

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL STOCKTON,

Defendant.

NO. CR-04-128-RHW

**ORDER DENYING  
DEFENDANT'S MOTION TO  
MODIFY CONDITIONS OF  
RELEASE**

Before the Court is Defendant's Motion to Modify Conditions of Release (Ct. Rec. 134). The motion was heard without oral argument.

On August 18, 2004, the Court granted Defendant's Motion for Review of Magistrate's Order and set conditions of release, which included non-electronic home confinement and a \$50,000 bond (Ct. Rec. 38). On March 14, 2004, the Court issued a bench warrant as the result of Defendant's failure to appear for the first day of trial (Ct. Rec. 116). On May 31, 2005, the Court granted Defendant's Motion to Exonerate Bail (Ct. Rec. 131). Defendant now asks that the Court allow him to again post \$50,000 and set conditions of release pending trial.

In the August 18, 2004 order, Defendant was advised that a violation of any of the conditions of release set forth in the order may result in the immediate issuance of an arrest warrant and revocation of release. Defendant's failure to appear at his trial was a violation of the condition of release. The Court is not convinced that if it were to release Defendant that he would appear for subsequent court proceedings. Additionally, while Defendant was in custody at SeaTac,

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OF RELEASE ~1**

1 Defendant was not cooperative and was eventually placed in the Special Housing  
2 Unit. He was sanctioned for phone abuse and threatening bodily harm. There is  
3 also evidence that Defendant holds ill will toward members of the community.  
4 The Court is concerned about the safety of any other person and the community if  
5 Defendant were released on bail.

6 **Accordingly, IT IS HEREBY ORDERED:**

7 1. Defendant's Motion to Modify Conditions of Release is **DENIED**.

8 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
9 order and to provide copies to counsel.

10 **DATED** this 23<sup>rd</sup> day of June, 2005.

11  
12 s/ ROBERT H. WHALEY  
13 United States District Court  
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